



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

April 15, 2022

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated March 14, 2022 (ECF No. 164), directing the parties to report on “the status of their negotiations and the estimated time necessary to determine whether the parties will be able to reach an independent resolution.” *Id.*

First, the undersigned appreciates very much the understanding of the Court and counsel for the Plaintiffs regarding her recent extended bereavement leave. Since the undersigned has returned to the Office, she has reengaged with relevant agencies needed to consult on the issue of fees in this matter, and is in the process of providing information to them in order to be able to synthesize and present the Government’s collective position back to the Plaintiffs. Unfortunately, the undersigned anticipates needing to take additional leave starting in late May, for family support reasons. Therefore, the Government will endeavor to make significant progress on fees in this case in the next few weeks, so that the parties will be able to report with more certainty by late May whether an independent resolution has been or may soon be reached.

In light of these circumstances, the parties jointly and respectfully request permission to provide another status report to the Court by May 20, 2022. We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for Defendants

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